

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 18 JUL 2005

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Applicant's or agent's file reference L010.2		FOR FURTHER ACTION	
International application No. PCT/IT2004/000294	International filing date (day/month/year) 21.05.2004	Priority date (day/month/year) 23.05.2003	
International Patent Classification (IPC) or national classification and IPC E04H4/10			
Applicant VANGELISTI, Antonio			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand  14.01.2005		Date of completion of this report  15.07.2005	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Stefanescu, R  Telephone No. +49 89 2399-	



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/IT2004/000294

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-8 as originally filed

**Claims, Numbers**

1-7 as originally filed

**Drawings, Sheets**

1/1 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/IT2004/000294

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	2,3,5,7
	No: Claims	1,4,6
Inventive step (IS)	Yes: Claims	
	No: Claims	1-7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

**PCT/IT2004/000294**

**Re Item V**

**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. The following documents are referred to in this written opinion; the numbering will be adhered to in the rest of the procedure:

**D1:** US-A-3 533 110 (GISONDI JOSEPH G) 13 October 1970 (1970-10-13)  
**D2:** DE 92 09 607 U (HENGST GÜNTER) 22 October 1992 (1992-10-22)  
**D3:** US-B-6 286 1571 (BAUMANN BRIAN) 11 September 2001 (2001-09-11)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document **D1** is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (see D1, the whole document) a swimming pool covering system comprising

- a) a basic tarpaulin (17) and a covering tarpaulin (16) which, together are irremovably fixed along the perimeter edge (18) - see also **D1**, especially column 2, line 70 to column 3, line 2 and fig.1,4,
- b) an inflation valve (19) envisaged for the inlet of air between the basic tarpaulin (17) and the covering tarpaulin (16) in order to realize a chamber ((14),(14')) envisaged to give the covering tarpaulin an arched configuration (see D1, especially fig. 1,4),
- c) a deflation valve (19) designed to release the air contained in said chamber ((14),(14')) - see also **D1**, especially column 3, line 3 to line 17 and fig.1-5,
- d) said basic tarpaulin (17) having an perimeter edge (18) fitted with means of engagement ((27),(28),(27'),(28')) for the anchorage to the edges of a swimming pool (see D1, especially fig. 1,4),
- e) said covering system being conceived to be transformed from a resting condition, in which it is inactive and the tarpaulins are folded up (the conventionally position of an usual swimming pool cover system if the system is not in use) to an operative condition in which the basic tarpaulin (17) is placed covering the swimming pool and is located substantially just above the waterline (see D1, especially fig. 1,4) while the covering tarpaulin (16) is lifted of the basic tarpaulin (17) creating an air chamber ((14),(14')) between the two tarpaulins (see D1, especially fig. 1,4).

See also **D2**, especially page 2, line 8 to page 3, line 43 and fig. 1.

**Consequently the subject-matter of claim 1 is not new (Article 33(2) PCT).**

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(SEPARATE SHEET)**

International application No.

**PCT/IT2004/000294**

3. Dependent claims 2-7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, the reasons being as follows:

Claims 4,6: see D1, especially column 2, line 64 to column 3, line 32 and fig. 1,4;  
Claims 2,7: see D1, especially column 2, line 70 to column 3, line 2 and fig.1,4;  
Claims 3,5: see D3, especially column 3, line 37 to line 64 and fig.1,2.

**Remarks:**

- a) To meet the requirements of Rule 6.3(b) PCT, the independent claim 1 should be properly cast in the two part form, with those features which in combination are part of the prior art being placed in the preamble.
- b) To meet the requirements of Rule 5.1(a)(ii) PCT, documents D1- D3 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- c) Reference signs in parentheses should be inserted in the claims to increase their intelligibility; this applies to both the preamble and characterising portion (Rule 6.2(b) PCT).
- d) The description must be brought into conformity with the new claims to be filed (Rule 5.1(a)(iii) PCT); care should be taken during revision, especially of the introductory portion including any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 34(2) PCT).
- e) In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2) PCT, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which each these amendments are based.